

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

STANLEY A. GEIST,

Plaintiff,

v.

ORDER
07-CV-065

HARTFORD LIFE AND ACCIDENT
INSURANCE COMPANY,

Defendant.

This case was referred to Magistrate Judge H. Kenneth Schroeder, Jr., pursuant to 28 U.S.C. § 636(b)(1). On December 21, 2007, defendant filed a motion for summary judgment. On February 8, 2008, plaintiff filed a motion to expand the administrative record. On August 7, 2009, Magistrate Judge Schroeder filed a Report and Recommendation, recommending that plaintiff's motion to expand the administrative record be granted and the matter be remanded for further administrative review; and that defendant's motion for summary judgment be denied without prejudice as premature.

Defendant filed objections to the Report and Recommendation on September 11, 2009 and the plaintiff filed a response thereto. Oral argument on the objections was held on October 26, 2009.

Pursuant to 28 U.S.C. § 636(b)(1), this Court must make a de novo determination of those portions of the Report and Recommendation to which

objections have been made. Upon a de novo review of the Report and Recommendation, and after reviewing the submissions and hearing argument from the parties, the Court adopts the proposed findings of the Report and Recommendation.

Accordingly, for the reasons set forth in Magistrate Judge Schroeder's Report and Recommendation, plaintiff's motion to expand the administrative record is granted and the matter is remanded for further administrative review and defendant's motion for summary judgment is denied without prejudice as premature.

The Clerk of Court shall take all steps necessary to close the case.

SO ORDERED.

s/ Richard J. Arcara

HONORABLE RICHARD J. ARCARA
CHIEF JUDGE
UNITED STATES DISTRICT COURT

DATED: November 5, 2009